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PTO/SB/21 (07-06)

**TRANSMITTAL FORM**  
Legal Staff  
International Division

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number

09/936,888

Filing Date

September 3, 2002

First Named Inventor

Brenneman, Douglas E.

Art Unit

1646

Examiner Name

Unassigned

Attorney Docket Number

015280-377100US

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**ENCLOSURES** (Check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Copies of 9 Exhibits; A copy of the Declaration and a Return Postcard |
|--|--|--|

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Annette S. Parent

Date

6/5/07

Reg. No.

42,058

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Jessie M. Kelly

Date

6/5/07



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P.O. Box 1450  
Alexandria, VA 22313-1450

On 6-5-07

TOWNSEND and TOWNSEND and CREW LLP

By: Jessie M. Kelly  
Jessie M. Kelly

PATENT

Docket No.: 015280-377100US

Client Ref. No.: E-286-98/4

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**OFFICE OF PETITIONS**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Douglas E. Brenneman, et al.

Application No.: 09/936,888

Filed: September 3, 2002

For: PREVENTION OF FETAL  
ALCOHOL SYNDROME AND  
NEURONAL CELL DEATH WITH  
ADNF POLYPEPTIDES

Confirmation No.: 2917

Examiner: Unassigned

Art Unit: 1646

PETITION UNDER  
37 C.F.R. § 1.181(a)  
TO WITHDRAW  
HOLDING OF  
ABANDONMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment for the above-referenced patent application for alleged failure to provide a proper declaration.

The facts are as follows:

1. The above-referenced application was filed on September 3, 2002 under the provisions of 35 U.S.C. § 371.
2. On November 28, 2001 the United States Patent a Trademark Office (USPTO) mailed a Notification of Missing Requirements

Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Exhibit A).

3. On September 12, 2001 we responded to the Notification of Missing Requirements (Exhibit B).
4. On July 17, 2002 the USPTO issued a Communication indicating that the Declaration filed on September 12, 2001 is improper (Exhibit C).
5. On July 5, 2002, Applicants filed a copy of the September 12, 2001 Declaration with supporting documents attached (Exhibit D).
6. On August 2, 2002, the USPTO mailed a Notification of Defective Response indicating the Declaration submitted on September 12, 2001 is insufficient. (Exhibit E).
7. On August 15, 2002, the USPTO issued a Communication indicating that both of the Declaration submissions on September 12, 2001 and July 5, 2002 are improper (Exhibit F). It also indicates that the USPTO awaits a response to the Notification of Defective Response mailed on August 2, 2002.
8. On August 26, 2002, Applicants filed a Response to the Notification of Defective Response mailed on August 2, 2002. (Exhibit G).
9. The USPTO mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 on September 24, 2002 (Exhibit H).
10. The USPTO mailed a Filing Receipt on September 24, 2002 (Exhibit I).

### REMARKS

The undersigned attorney has never received a Notice of Abandonment or an Office Action in the instant application. The assistant to undersigned attorney discovered, while completing a status check in the above-referenced application, that the application was listed as abandoned in USPTO PAIR. After a telephone call to the USPTO to determine the status of the application, the assistant was notified by the examiner that the above-referenced application was abandoned. The records stated that the abandoned status was due to failure to respond to the Notification of Defective Response Post Card dated August 2, 2002 (Exhibit G). However, the Applicants submitted a Response to the Notice of Defective Response on August 26, 2002. The attached Response (Exhibit G) was date stamped by the USPTO on September 3, 2002. Shortly after the Response was filed, the USPTO mailed a Notice of Acceptance dated September 24, 2002 (Exhibit H) and a Filing Receipt dated September 24, 2002 (Exhibit I).

Applicants respectfully petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment due to a United States Patent and Trademark Office error.

Should the petition to withdraw holding of abandonment not be granted, Applicants petition in the alternative to revive the above-referenced application under 37 C.F.R. § 1.137(b) as unintentionally abandoned for failure to timely respond to the Notification of Defective Response dated August 2, 2002. Applicants request revival of the application and submit the required response in the form of executed formal documents. Applicants herewith:

If necessary, the Commissioner is authorized to deduct the petition fee, pursuant to 37 C.F.R. § 1.17(m), in the amount of \$1500.00 for a large entity, and authorize payment of the missing parts fee in the amount of \$130.00 for a large entity pursuant to 37 C.F.R. § 1.16(e) from Deposit Account No. 20-1430 of the undersigned. The utility application filing fee was already paid upon filing the application. If necessary, please also charge any required extension of time fee to Deposit Account No. 20-1430 of the undersigned.

Please charge any additional fees or credit overpayment to the above  
deposit account.

CONCLUSION

If a telephone conference would expedite consideration of this matter, the  
Examiner is invited to telephone the undersigned at (925) 472-5000.

Respectfully submitted,



Annette S. Parent  
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
ASP:jmk

61064445 v1

# EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,888	Douglas Brenneman	015280-377100US

INTERNATIONAL APPLICATION NO.

PCT/US00/06364

I.A. FILING DATE

03/10/2000

PRIORITY DATE

03/12/1999

Annette S. Parent  
 Townsend & Townsend & Crew  
 Two Embarcadero Center, 8th Floor  
 San Francisco, CA 94111

CONFIRMATION NO. 2917

371 FORMALITIES LETTER



\*OC000000007019473\*

Date Mailed: 11/28/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Request for Immediate Examination

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The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,888	PCT/US00/06364	015280-377100US



## EXHIBIT B

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BOX PCT (National Phase) PATENT APPLICATION  
FILING ACKNOWLEDGMENT

Mailing Date: September 12, 2001 Express Mail Label No.: EL 394871695 US  
File No.: 015280-377100US Attorney: Annette S. Parent/kji  
Inventor(s): BRENNEMAN et al.  
Title: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL  
DEATH WITH ADNF POLYPEPTIDES

- ☒ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)  
Concerning a Filing under 35 U.S.C. 371, w/authorization to charge fee (+duplicate);
- ☒ Declarations and Powers of Attorney of Douglas Brennehan and Catherine Y. Spong;
- ☒ Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano;
- ☒ Appointment of Associate Attorneys and Agents;
- ☒ Statement under 37 C.F.R. §3.73(b); and
- ☒ Change of Correspondence Address.

Please stamp date of receipt of the enclosed documents and return this card to addressee

BOX PCT (National Phase) PATENT APPLICATION  
FILING ACKNOWLEDGMENT

Mailing Date: September 12, 2001 Express Mail Label No.: EL 394871695 US  
File No.: 015280-377100US Attorney: Annette S. Parent/kji  
Inventor(s): BRENNEMAN et al.  
Title: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL  
DEATH WITH ADNF POLYPEPTIDES

- ☒ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)  
Concerning a Filing under 35 U.S.C. 371, w/authorization to charge fee (+duplicate);
- ☒ Declarations and Powers of Attorney of Douglas Brennehan and Catherine Y. Spong;
- ☒ Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano;
- ☒ Appointment of Associate Attorneys and Agents;
- ☒ Statement under 37 C.F.R. §3.73(b); and
- ☒ Change of Correspondence Address.

09/936888

JC03 Rec'd PCT/PTO 12 SEP 2001

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Date In Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee	Signature of Addressee or Agent		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$	X Name - Please Print X		

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Date In Mo. Day Year	<input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM	Postage \$ 12.45
Time In <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight lbs. 7 ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$ 12.45

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METHOD OF PAYMENT: Express Mail Corporate Acct. No. X941886	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
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SAN FRANCISCO CA 94111-3823  
Annette S. Parent, Esq.  
015280-377100US

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FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV. 11-2000)		ATTORNEY'S DOCKET NUMBER <b>015280-377100US</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES          DESIGNATED/ELECTED OFFICE (DO/EO/US)          CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>Unknown</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US00/06364</b>	INTERNATIONAL FILING DATE <b>March 10, 2000</b>	PRIORITY DATE CLAIMED <b>March 12, 1999</b>
TITLE OF INVENTION <b>PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES</b>		
APPLICANT(S) FOR DO/EO/US <b>Douglas BRENNEMAN, Catherine Y. Spong, Illana Gozes, Merav Bassan, and Rachel Zamostiano</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 36 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 37(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>Items 11 to 20 below concern document(s) or information included:</b>		
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 – 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 36 U.S.C.</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information:</li> </ol>		
<b>EXPRESS MAIL NO. EL394871695US; Declarations and Powers of Attorney of Douglas Brennenman and Catherine Y. Spong; Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano; Appointment of Associate Attorneys and Agents; Statement under 37 C.F.R. §3.73(b); Change of Correspondence Address; and Return Receipt Postcard.</b>		

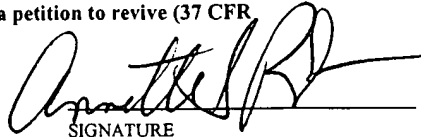
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US/ Application no. (if known, see 37 CFR 1.5) <b>Unknown</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US00/06364</b>	ATTORNEY'S DOCKET NUMBER <b>015280-377100US</b>
21. <input checked="" type="checkbox"/> The following fees are submitted:		<b>CALCULATIONS PTO USE ONLY</b>
<b>BASIC NATIONAL FEE (37 CFR 1.492(A) (1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.492) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1000.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search report prepared by the EPO of JPO ..... <b>\$860.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$710.00</b>  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$690.00</b>  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)(4) ..... <b>\$100.00</b>  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		<b>\$690.00</b>
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		<b>\$</b>
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	33 - 20 =	13
Independent claims	3 - 3 =	0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ 270.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>		<b>\$234.00</b>
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		<b>\$</b>
<b>SUBTOTAL =</b>		<b>\$924.00</b>
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFT 1.492(f)).		<b>\$</b>
<b>TOTAL NATIONAL FEE =</b>		<b>924.00</b>
Fee for recording the enclosed assignment (37 CFR 1.2(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +		<b>\$</b>
<b>TOTAL FEES ENCLOSED =</b>		<b>\$924.00</b>
		Amount to be refunded: \$
		charged: \$
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>20-1430</u> in the amount of <u>\$924.00</u> to cover the above fees. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>20-1430</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.		
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.		
SEND ALL CORRESPONDENCE TO:		
Annette S. Parent Townsend and Townsend and Crew LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111		
		 SIGNATURE
		Annette S. Parent NAME
		42,058 REGISTRATION NUMBER

Attorney Docket No. 015280-377100/US  
DHHS Ref No. E-286-98/4

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119:
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(c) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612  
Steven M. Ferguson, Reg. No. 38,448  
James C. Haight, Reg. No. 25,588  
John P. Kim, Reg. No. 38,514

Susan S. Rucker, Reg. No. 35,762  
David R. Sadowski, Reg. No. 32,808  
Jack Spiegcl, Reg. No. 34,477

Best Available Copy

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

Send Correspondence to Appointed Associate Attorney or Agent  
Address:

Annette S. Parent  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834

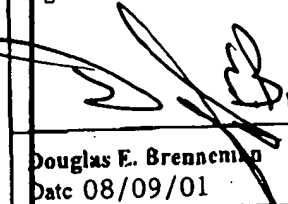
Direct Telephone Calls and Facsimiles to Appointed Associate  
Attorney or Agent:

Name: Annette S. Parent  
Reg. No.: 42,058  
Telephone: 415/576-0200  
Fax: 415/576-0300

Full Name of Inventor 1	Last Name <b>BRENNEMAN</b>	First Name <b>DOUGLAS</b>	Middle Name or Initial <b>R.</b>	
Residence & Citizenship	City <b>Damascus</b>	State/Foreign Country <b>Maryland</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>10601 Santa Anita Terrace</b>	City <b>Damascus</b>	State/Country <b>Maryland</b>	Zip Code <b>20872</b>
Full Name of Inventor 2	Last Name <b>SPONG</b>	First Name <b>CATHERINE</b>	Middle Name or Initial <b>Y.</b>	
Residence & Citizenship	City <b>Arlington</b>	State/Foreign Country <b>Virginia</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>3857 North Rixey Street</b>	City <b>Arlington</b>	State/Country <b>Virginia</b>	Zip Code <b>22207</b>
Full Name of Inventor 3	Last Name <b>GOZES</b>	First Name <b>ILLANA</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Ramat Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>14 Hamel Street</b>	City <b>Ramat Hasharon</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 4	Last Name <b>BASSAN</b>	First Name <b>MERAV</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>15A Zuporen Street</b>	City <b>Givat Poleg, Natania</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 5	Last Name <b>ZAMOSTIANO</b>	First Name <b>RACHEL</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>17 Yeshurun Street</b>	City <b>Hod Hasharon</b>	State/Country <b>Israel</b>	Zip Code

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brennen Date 08/09/01	Catherine Y. Spong Date	Illana Gozes Date

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date

SF 1251798 v1



Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

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Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brenneman Date	<i>Cy Spong</i> Catherine Y. Spong Date 09/11/01	Ilana Gazes Date

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date

Attorney Docket No. 015280-377100US  
DIHS Ref No. E-286-98/4

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

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## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(c) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612  
Steven M. Ferguson, Reg. No. 38,448  
James C. Haight, Reg. No. 25,588  
John P. Kim, Reg. No. 38,514

Susan S. Rucker, Reg. No. 35,762  
David R. Sadowski, Reg. No. 32,808  
Jack Spiegel, Reg. No. 34,477

Best Available Copy

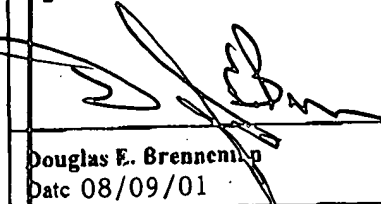
Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

Send Correspondence to Appointed Associate Attorney or Agent Address:	Direct Telephone Calls and Facsimiles to Appointed Associate Attorney or Agent:
Annette S. Parent TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111-3834	Name: Annette S. Parent Reg. No.: 42,058 Telephone: 415/576-0200 Fax: 415/576-0300

Full Name of Inventor 1	Last Name BRENNEMAN	First Name DOUGLAS	Middle Name or Initial E.	
Residence & Citizenship	City Damascus	State/Foreign Country Maryland	Country of Citizenship United States	
Post Office Address	Post Office Address 10601 Santa Anita Terrace	City Damascus	State/Country Maryland	Zip Code 20872
Full Name of Inventor 2	Last Name SPONG	First Name CATHERINE	Middle Name or Initial Y.	
Residence & Citizenship	City Arlington	State/Foreign Country Virginia	Country of Citizenship United States	
Post Office Address	Post Office Address 3857 North Rixey Street	City Arlington	State/Country Virginia	Zip Code 22207
Full Name of Inventor 3	Last Name GOZES	First Name ILLANA	Middle Name or Initial	
Residence & Citizenship	City Ramat Hasharon	State/Foreign Country Israel	Country of Citizenship Israel	
Post Office Address	Post Office Address 14 Hamel Street	City Ramat Hasharon	State/Country Israel	Zip Code
Full Name of Inventor 4	Last Name BASSAN	First Name MERAV	Middle Name or Initial	
Residence & Citizenship	City Hod Hasharon	State/Foreign Country Israel	Country of Citizenship Israel	
Post Office Address	Post Office Address 15A Ziporen Street	City Givat Poleg, Natania	State/Country Israel	Zip Code
Full Name of Inventor 5	Last Name ZAMOSTIANO	First Name RACHEL	Middle Name or Initial	
Residence & Citizenship	City Hod Hasharon	State/Foreign Country Israel	Country of Citizenship Israel	
Post Office Address	Post Office Address 17 Yeshuron Street	City Hod Hasharon	State/Country Israel	Zip Code

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2		Signature of Inventor 3
Douglas E. Brennen Date 08/09/01	Catherine Y. Spong Date		Ilana Gozes Date

Signature of Inventor 4	Signature of Inventor 5	
Merav Bassan Date	Rachel Zamostiano Date	

SF 1251798 v1

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

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Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brenneman Date	Catherine Y. Spong Date 09/11/01	Ilana Gazes Date

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

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JUN 13 2007

OFFICE OF PETITIONS

## DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

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## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

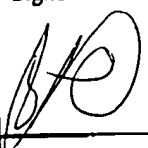
Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

Full Name of Inventor 1	Last Name <b>BRENNEMAN</b>	First Name <b>DOUGLAS</b>	Middle Name or Initial <b>E.</b>	
Residence & Citizenship	City <b>Damascus</b>	State/Foreign Country <b>Maryland</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>10601 Santa Anita Terrace</b>	City <b>Damascus</b>	State/Country <b>Maryland</b>	Zip Code <b>20872</b>
Full Name of Inventor 2	Last Name <b>SPONG</b>	First Name <b>CATHERINE</b>	Middle Name or Initial <b>Y.</b>	
Residence & Citizenship	City <b>Arlington</b>	State/Foreign Country <b>Virginia</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>3857 North Rixey Street</b>	City <b>Arlington</b>	State/Country <b>Virginia</b>	Zip Code <b>22207</b>
Full Name of Inventor 3	Last Name <b>GOZES</b>	First Name <b>ILLANA</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Ramat Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>14 Hamel Street</b>	City <b>Ramat Hasharon</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 4	Last Name <b>BASSAN</b>	First Name <b>MERAV</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>15A Ziporen Street</b>	City <b>Givat Poleg, Natania</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 5	Last Name <b>ZAMOSTIANO</b>	First Name <b>RACHEL</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>17 Yeshuron Street</b>	City <b>Hod Hasharon</b>	State/Country <b>Israel</b>	Zip Code

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3 
Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date

SF 1258047 v1



I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date 08/28/01	Rachel Zamostiano Date

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date 9/2/01

SF 1258047 v1

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

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#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

Attorney Docket No. 015280-377100US  
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Full Name of Inventor 1	Last Name <b>BRENNEMAN</b>	First Name <b>DOUGLAS</b>	Middle Name or Initial <b>E.</b>	
Residence & Citizenship	City <b>Damascus</b>	State/Foreign Country <b>Maryland</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>10601 Santa Anita Terrace</b>	City <b>Damascus</b>	State/Country <b>Maryland</b>	Zip Code <b>20872</b>
Full Name of Inventor 2	Last Name <b>SPONG</b>	First Name <b>CATHERINE</b>	Middle Name or Initial <b>Y.</b>	
Residence & Citizenship	City <b>Arlington</b>	State/Foreign Country <b>Virginia</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>3857 North Rixey Street</b>	City <b>Arlington</b>	State/Country <b>Virginia</b>	Zip Code <b>22207</b>
Full Name of Inventor 3	Last Name <b>GOZES</b>	First Name <b>ILLANA</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Ramat Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
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Full Name of Inventor 4	Last Name <b>BASSAN</b>	First Name <b>MERAV</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
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Full Name of Inventor 5	Last Name <b>ZAMOSTIANO</b>	First Name <b>RACHEL</b>	Middle Name or Initial	
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Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostlano Date

SF 1258047 v1

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Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date 08/28/01	Rachel Zamostiano Date

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

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Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date 9/2/01

SF 1258047 v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BRENNEMAN *et al.*

Application No.: Unassigned

Filed: Herewith

For: PREVENTION OF FETAL ALCOHOL  
SYNDROME AND NEURONAL CELL  
DEATH WITH ADNF POLYPEPTIDES

Examiner: Unassigned

Art Unit: Unassigned

APPOINTMENT OF ASSOCIATE  
ATTORNEYS AND AGENTS BY  
PRINCIPAL ATTORNEY OR AGENT  
UNDER 37 CFR §1.34(b) AND  
MPEP 402.02

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Under 37 CFR §1.34(b) and MPEP 402.02, the undersigned principal attorney or agent of record hereby appoints the following representatives from the law firm of TOWNSEND and TOWNSEND and CREW LLP, Two Embarcadero Center, 8th Floor, San Francisco, California 94111-3834, telephone: (415) 576-0200, as associate attorneys and/or patent agents in this application with full powers to prosecute this case and to transact all business in the Patent and Trademark Office connected therewith:

Philip H. Albert, Reg. No. 35,819  
Hector A. Alicea, Reg. No. 40,891  
Scott L. Ausenhus, Reg. No. 42,271  
Kevin L. Bastian, Reg. No. 34,774  
Guy Chambers, Reg. No. 30,617  
M. Henry Heines, Reg. No. 28,219  
Laurence J. Hyman, Reg. No. 35,551  
William Michael Hynes, Reg. No. 24,168  
William B. Kezer, Reg. No. 37,369

Jeffrey J. King, Reg. No. 38,515  
Joe Liebeschuetz, Reg. No. 37,505  
Jean Lockyer, Reg. No. 44,879  
Annette S. Parent, Reg. No. 42,058  
Steven W. Parmelee, Reg. No. 31,990  
Brian W. Poor, Reg. No. 32,928  
William M. Smith, Reg. No. 30,223  
Andrew T. Serafini, Reg. No. 41,303  
Joseph R. Snyder, Reg. No. 39,381  
Eugenia Garrett-Wackowski, Reg. No. 37,330  
Kenneth A. Weber, Reg. No. 31,667

Dated: Sept. 12, 2001

Respectfully submitted,

United States Department of Health and  
Human Services

By 

Susan S. Rucker, Reg. No. 35,762  
Office of Technology Transfer  
National Institutes of Health  
6011 Executive Boulevard, Suite 325  
Rockville, Maryland 20852  
Telephone: (301) 496-7056

EXPRESS MAIL NO.  
EL 394871695 US



**STATEMENT UNDER 37 C.F.R. § 3.73(b)**

Applicants: Douglas E. Brenneman, Catherine Y. Spong, Illana Gozes, Merav Bassan, and Rachel Zamostiano

Application No.: Unassigned

Filed: Herewith

For: Prevention of Fetal Alcohol Syndrome and Neuronal Cell Death with ADF Polypeptides

United States Department of Health and Human Services, a government agency

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is assignee of the patent application identified above by virtue of either:

A. X An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame(s) \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.    A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.


The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : September 12, 2001

Name : Susan S. Rucker

Title : Patent Advisor

Signature: 

ASSIGNMENT

JOINT

WHEREAS, We, **Douglas E. Brenneman** of 10601 Santa Anita Terrace, Damascus, Maryland, a citizen of the United States; **Catherine Y. Spong** of 3857 North Rixey Street, Arlington, Virginia, a citizen of the United States; **Illana Gozes** of 14 Hamel Street, Ramat Hasharon, Israel, a citizen of Israel; **Merav Bassan** of 15A Ziporen Street, Givat Poleg, Natania, Israel, a citizen of Israel; and **Rachel Zamostiano** of 17 Yeshuron Street, Hod Hasharon, Israel, a citizen of Israel; all inventors being employees of the Department of Health and Human Services at the time the invention was made, have invented **PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES**, for which an application to the Assistant Commissioner for Patents for grant of Letters Patents of the United States of America has been executed by the undersigned

☒ on (date(s) Declaration signed):

☐ is identified as U.S. Patent Application:  
Serial No.

Filed ; and

WHEREAS, the conditions under which said invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive Order 10096, to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States of America is desirous of acquiring all domestic and foreign right, title, and interest in the aforesaid invention described in the aforesaid application for Letters Patent of the United States of America; and

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the premises and other valuable considerations, we the undersigned, have sold, assigned, and transferred and by these presents do sell, assign, and transfer unto The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services (hereinafter THE GOVERNMENT), and his successors, the full and exclusive right, title, and interest throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file the invention described in the aforesaid application for Letters Patent of the United States of America, and all Letters Patents and Registrations which may be granted on the same in the United States of America and all countries throughout the world, and to claim the priority from the application as provided by the

NOT FOR RECORDATION

Paris Convention, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.


AND, we hereby authorize and request the Assistant Commissioner for Patents to issue said Letters Patent to THE GOVERNMENT as assignee of the entire right, title, and interest in and to the same throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file, for the sole use for the full term or terms for which said Letters Patent and Registrations may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof which may be granted as fully and entirely as the same would have been held by us, had this assignment not been made;

AND, we hereby warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied with respect to the aforesaid application for Letters Patent which will impair, diminish, limit, or abridge the interest herein conveyed at the time of the execution of this instrument by us;

AND, we hereby agree to execute any and all applications for Letters Patent in the United States of America and foreign countries, and to furnish and deliver to the Secretary, Department of Health and Human Services, upon request, all data and documents, and to execute any papers which may be necessary for the prosecution of any application or applications of Letters Patent or for THE GOVERNMENT to exercise its rights granted hereunder, including communicating to THE GOVERNMENT, its representatives or agents, any facts relating to said invention, including evidence for interference purposes, or for other proceedings, whenever requested, to testify in any interference or other proceedings, whenever requested, and to execute and deliver on request all lawful papers required to make any of the foregoing provisions effective, and likewise make these provisions binding upon our heirs, legal representatives, administrators and assigns, and we shall assist THE GOVERNMENT in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by THE GOVERNMENT.

The undersigned hereby grants THE GOVERNMENT or the law firm of Townsend and Townsend and Crew LLP, the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

  
Douglas E. Brenneman

8/24/01  
(Date)

STATE OF

Maryland

COUNTY OF

Montgomery

UNITED STATES OF AMERICA

On August 24, 2001, before me, Trudy C. Welsh, Notary Public (here insert name and title of the officer), personally appeared Douglas E. Brenneman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

(Seal)

Signature

Trudy C. Welsh

Notary Public

My Commission Expires  
May 1, 2003

Catherine Y. Spong  
Catherine Y. Spong

9.11.01  
(Date)

STATE OF Maryland  
COUNTY OF Montgomery

On September 11, 2001 before me, Trudy C. WELSH (here insert name and title of the officer), personally appeared Catherine Y. Spong, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature Trudy C. Welsh  
Notary Commissioner Expires  
May 1, 2003

(Seal)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	)	Examiner: Unassigned
	)	
BRENNEMAN <i>et al.</i>	)	Art Unit: Unassigned
	)	
Application No.: Unassigned	)	<u>CHANGE OF CORRESPONDENCE</u>
	)	<u>ADDRESS ACCORDING TO</u>
Filed: Herewith	)	<u>MPEP 403(a) and 403.01</u>
	)	
For: PREVENTION OF FETAL ALCOHOL	)	
SYNDROME AND NEURONAL CELL	)	
DEATH WITH ADNF POLYPEPTIDES	)	

Assistant Commissioner for Patents  
Washington, D. C. 20231

**RECEIVED**

**JUN 13 2007**

**OFFICE OF PETITIONS**

Sir:

Please address all future correspondence in this case to:

Annette S. Parent  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834

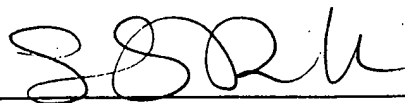
Telephone: (415) 576-0200  
Facsimile: (415) 576-0300

Dated: September 12, 2001

Respectfully submitted,

United States Department of Health and Human  
Services

By

  
Susan S. Rucker  
Reg. No.: 35,762  
Office of Technology Transfer  
National Institutes of Health  
6011 Executive Boulevard, Suite 325  
Rockville, Maryland 20852  
Telephone: (301) 496-7056

EXPRESS MAIL NO.  
EL 394871695 US

## EXHIBIT C



Annette S. Parent  
Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111

In re Application of BRENNEMAN et al  
U.S. Application No.: 09/936,888  
Int. Application No.: PCT/US00/06364  
Int. Filing Date: 10 March 2000  
Priority Date: 12 March 1999  
Attorney Docket No.: 015280-377100US  
For: PREVENTION OF FETAL ALCOHOL  
SYNDROME AND NEURONAL CELL  
DEATH WITH ADNF POLYPEPTIDES

COMMUNICATION

RECEIVED  
JUN 13 2007  
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This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

### BACKGROUND

On 10 March 2000, applicant filed international application PCT/US00/06364, which claimed priority of an earlier United States application filed 12 March 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 18 September 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 September 2001.

On 12 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and executed declarations.

On 28 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371, which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.



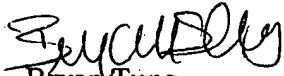
### DISCUSSION

The declarations filed 12 September 2001 are improper. Specifically, at least one of the declarations contains more than one "Page 3 of 3". It is not sufficient to supply only the signature page of a declaration. The Notification of Missing Requirements mailed 28 November 2001 did not specify this defect. Applicant must furnish either: 1) a single complete declaration which is presented to and executed by all of the inventors or 2) multiple complete declarations, each of which is executed by at least one of the inventors.

### CONCLUSION

For the reasons above, the Notification of Missing Requirements mailed 28 November 2001 is hereby VACATED.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision, including preparation of a new Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) along with a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) stating that the declarations filed 12 September 2001 are improper for the reasons set forth in this communication.



Bryan Tung


PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614

Facsimile: 703-308-6459

## EXHIBIT D

FORM PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 015280-377100US	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/936,888	
INTERNATIONAL APPLICATION NO. PCT/US00/06364		INTERNATIONAL FILING DATE March 10, 2000		PRIORITY DATE CLAIMED March 12, 1999	
TITLE OF INVENTION PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES					
APPLICANT(S) FOR DO/EO/US Douglas BRENNEMAN, Catherine Y. Spong, Illana Gozes, Merav Bassan, and Rachel Zamostiano					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 36 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 37(c)(2))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been communicated by the International Bureau</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). [Please see below.]</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p style="margin-left: 40px;">Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 – 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 36 U.S.C.</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Applicants previously submitted the required Declarations. Enclosed are copies from our EXPRESS MAIL NO. EL394871695US filing to the PTO with the Declarations and Powers of Attorney of Douglas Brennenman and Catherine Y. Spong; Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano; Express Mail Receipt; and Return Receipt Postcard. Therefore, Applicants believe that <b>NO FEE IS DUE</b>.</p>					

US/ Application no. (if known, see 37 CFR 1.5) 09/936,888		INTERNATIONAL APPLICATION NO. PCT/US00/06364		ATTORNEY'S DOCKET NUMBER 015280-377100US	
21. <input type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
<b>BASIC NATIONAL FEE (37 CFR 1.492(A) (1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.492) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....\$1000.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search report prepared by the EPO of JPO .....\$860.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$710.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....\$690.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)(4) .....\$100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	33 - 20 =	13	x \$18.00	\$0	
Independent claims	3 - 3 =	0	x \$80.00	\$0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ 270.00 \$0	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$0	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+	
<b>SUBTOTAL =</b>				\$0	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				0	
Fee for recording the enclosed assignment (37 CFR 1.2(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$0	
				Amount to be refunded:	\$
				charged:	\$0
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>20-1430</u> in the amount of \$_____ to cover the above fees. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>20-1430</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:  Annette S. Parent Townsend and Townsend and Crew LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111					
				 SIGNATURE	
				<u>Annette S. Parent</u> NAME	
				<u>42,058</u> REGISTRATION NUMBER	

BOX PCT (National Phase) PATENT APPLICATION  
FILING ACKNOWLEDGMENT

Mailing Date: September 12, 2001 Express Mail Label No.: EL 394871695 US  
File No.: 015280-377100US Attorney: Annette S. Parent/kji  
Inventor(s): BRENNEMAN et al.  
Title: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL  
DEATH WITH ADNF POLYPEPTIDES

- ☒ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)  
Concerning a Filing under 35 U.S.C. 371, w/authorization to charge fee (+duplicate);
- ☒ Declarations and Powers of Attorney of Douglas Brenneman and Catherine Y. Spong;
- ☒ Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano;
- ☒ Appointment of Associate Attorneys and Agents;
- ☒ Statement under 37 C.F.R. §3.73(b); and
- ☒ Change of Correspondence Address.

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BOX PCT (National Phase) PATENT APPLICATION  
FILING ACKNOWLEDGMENT

Mailing Date: September 12, 2001 Express Mail Label No.: EL 394871695 US  
File No.: 015280-377100US Attorney: Annette S. Parent/kji  
Inventor(s): BRENNEMAN et al.  
Title: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL  
DEATH WITH ADNF POLYPEPTIDES

- ☒ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)  
Concerning a Filing under 35 U.S.C. 371, w/authorization to charge fee (+duplicate);
- ☒ Declarations and Powers of Attorney of Douglas Brenneman and Catherine Y. Spong;
- ☒ Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano;
- ☒ Appointment of Associate Attorneys and Agents;
- ☒ Statement under 37 C.F.R. §3.73(b); and
- ☒ Change of Correspondence Address.

09/936888

JCO3 Rec'd PCT/PTO 12 SEP 2001

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**FROM: (PLEASE PRINT)**
**PHONE (415) 576-0200**

TOWNSEND & TOWNSEND & CREW  
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SAN FRANCISCO CA 94111-3823  
Annette S. Parent, Esq.  
015280-377100US

**TO: (PLEASE PRINT)**
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Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$	Signature of Addressee or Agent		
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Federal Agency Acct. No. or Postal Service Acct. No.			NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		
FROM: 415 576-0200			Customer Signature		

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FROM: (PLEASE PRINT) TOWNSEND & TOWNSEND & CREW 2 EMBARCADERO CTR FL 8 SAN FRANCISCO CA 94111-3823 Annette S. Parent, Esq. 015280-377100US			TO: (PLEASE PRINT) BOX PCT ASSISTANT COMMISSIONER FOR PATENTS & TRADEMARKS WASHINGTON DC 20231-0001		

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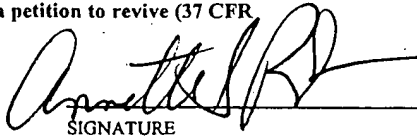


# COPY

FORM PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 015280-377100US
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5) Unknown
INTERNATIONAL APPLICATION NO. PCT/US00/06364	INTERNATIONAL FILING DATE March 10, 2000	PRIORITY DATE CLAIMED March 12, 1999	
TITLE OF INVENTION PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES			
APPLICANT(S) FOR DO/EO/US Douglas BRENNEMAN, Catherine Y. Spong, Illana Gozes, Merav Bassan, and Rachel Zamostiano			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"><li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li><li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 36 U.S.C. 371.</li><li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below.</li><li>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li><li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 37(c)(2))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> has been communicated by the International Bureau</li><li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto.</li><li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li></ol></li><li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li><li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li><li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li></ol>			
Items 11 to 20 below concern document(s) or information included:			
<ol style="list-style-type: none"><li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li><li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li><li>15. <input type="checkbox"/> A substitute specification.</li><li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li><li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 – 1.825.</li><li>18. <input type="checkbox"/> A second copy of the published international application under 36 U.S.C.</li><li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li><li>20. <input checked="" type="checkbox"/> Other items or information:</li></ol>			
EXPRESS MAIL NO. EL394871695US; Declarations and Powers of Attorney of Douglas Brenneman and Catherine Y. Spong; Declarations of Illana Gozes, Merav Bassan, and Rachel Zamostiano; Appointment of Associate Attorneys and Agents; Statement under 37 C.F.R. §3.73(b); Change of Correspondence Address; and Return Receipt Postcard.			

EXPRESS MAIL NO.  
EL 394871695 US



I/S/ Application no. (if known, see 37 CFR 1.5) <b>Unknown</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US00/06364</b>	ATTORNEY'S DOCKET NUMBER <b>015280-377100US</b>
21. <input checked="" type="checkbox"/> The following fees are submitted:		<b>CALCULATIONS PTO USE ONLY</b>
<b>BASIC NATIONAL FEE (37 CFR 1.492(A) (1) - (5)):</b>		
Neither international preliminary examination fee (37 CFR 1.492) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....\$1000.00		
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search report prepared by the EPO of JPO .....\$860.00		
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$710.00		
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....\$690.00		
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)(4) .....\$100.00		
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		\$690.00
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	33 - 20 =	13
Independent claims	3 - 3 =	0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ 270.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$234.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$
<b>SUBTOTAL =</b>		\$924.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$
<b>TOTAL NATIONAL FEE =</b>		924.00
Fee for recording the enclosed assignment (37 CFR 1.2(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		\$
<b>TOTAL FEES ENCLOSED =</b>		\$924.00
		Amount to be refunded:
		\$
		charged:
		\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>20-1430</u> in the amount of <u>\$924.00</u> to cover the above fees. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>20-1430</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.		
SEND ALL CORRESPONDENCE TO:		
Annette S. Parent Townsend and Townsend and Crew LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111		
		 SIGNATURE
		<u>Annette S. Parent</u> NAME
		<u>42,058</u> REGISTRATION NUMBER

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(c) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612  
Steven M. Ferguson, Reg. No. 38,448  
James C. Haight, Reg. No. 25,588  
John P. Kim, Reg. No. 38,514

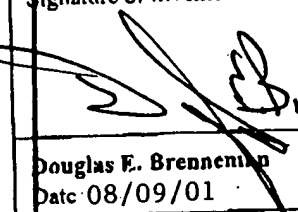
Susan S. Rucker, Reg. No. 35,762  
David R. Sadowski, Reg. No. 32,808  
Jack Spiegel, Reg. No. 34,477

Send Correspondence to Appointed Associate Attorney or Agent  
Address:Annette S. Parent  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834Direct Telephone Calls and Facsimiles to Appointed Associate  
Attorney or Agent:Name: Annette S. Parent  
Reg. No.: 42,058  
Telephone: 415/576-0200  
Fax: 415/576-0300

Full Name of Inventor 1	Last Name <b>BRENNEMAN</b>	First Name <b>DOUGLAS</b>	Middle Name or Initial <b>R.</b>	
Residence & Citizenship	City <b>Damascus</b>	State/Foreign Country <b>Maryland</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>10601 Santa Anita Terrace</b>	City <b>Damascus</b>	State/Country <b>Maryland</b>	Zip Code <b>20872</b>
Full Name of Inventor 2	Last Name <b>SPONG</b>	First Name <b>CATHERINE</b>	Middle Name or Initial <b>Y.</b>	
Residence & Citizenship	City <b>Arlington</b>	State/Foreign Country <b>Virginia</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>3857 North Rixey Street</b>	City <b>Arlington</b>	State/Country <b>Virginia</b>	Zip Code <b>22207</b>
Full Name of Inventor 3	Last Name <b>GOZES</b>	First Name <b>ILLANA</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Ramat Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>14 Hamel Street</b>	City <b>Ramat Hasharon</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 4	Last Name <b>BASSAN</b>	First Name <b>MERAV</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>15A Ziporen Street</b>	City <b>Givat Poleg, Natania</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 5	Last Name <b>ZAMOSTIANO</b>	First Name <b>RACHEL</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>17 Yeshuron Street</b>	City <b>Hod Hasharon</b>	State/Country <b>Israel</b>	Zip Code

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brennen Date 08/09/01	Catherine Y. Spong Date	Illana Gozes Date

Signature of Inventor 4	Signature of Inventor 5
Merav Basson Date	Rachel Zamostiano Date

SF 1251798 v1

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brenneman Date	<i>C. Spong</i> Catherine Y. Spong Date 09/11/01	Illana Gozes Date

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

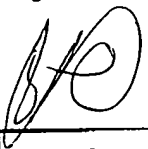
Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

Full Name of Inventor 1	Last Name <b>BRENNEMAN</b>	First Name <b>DOUGLAS</b>	Middle Name or Initial <b>E.</b>	
Residence & Citizenship	City <b>Damascus</b>	State/Foreign Country <b>Maryland</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>10601 Santa Anita Terrace</b>	City <b>Damascus</b>	State/Country <b>Maryland</b>	Zip Code <b>20872</b>
Full Name of Inventor 2	Last Name <b>SPONG</b>	First Name <b>CATHERINE</b>	Middle Name or Initial <b>Y.</b>	
Residence & Citizenship	City <b>Arlington</b>	State/Foreign Country <b>Virginia</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>3857 North Rixey Street</b>	City <b>Arlington</b>	State/Country <b>Virginia</b>	Zip Code <b>22207</b>
Full Name of Inventor 3	Last Name <b>GOZES</b>	First Name <b>ILLANA</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Ramat Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>14 Hamel Street</b>	City <b>Ramat Hasharon</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 4	Last Name <b>BASSAN</b>	First Name <b>MERAV</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>15A Ziporen Street</b>	City <b>Givat Poleg, Natania</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 5	Last Name <b>ZAMOSTIANO</b>	First Name <b>RACHEL</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>17 Yeshuron Street</b>	City <b>Hod Hasharon</b>	State/Country <b>Israel</b>	Zip Code

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3 
Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date

SF 1258047 v1




I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

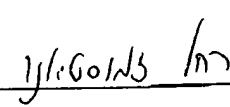
Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date 08/28/01	Rachel Zamostiano Date

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3 
Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5 
Merav Bassan Date	Rachel Zamostiano Date 9/2/01

SF 1258047 v1

615280-377100US  
EBW



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20535  
www.uspto.gov

U.S. APPLICATION NUMBER NO	FIRST NAMED APPLICANT	ATTY DOCKET NO
09/936,888	Douglas Brenneman	015280-377100US
INTERNATIONAL APPLICATION NO		
PCT/US00/06364		
I.A. FILING DATE		PRIORITY DATE
03/10/2000		03/12/1999

Annette S. Parent  
Townsend & Townsend & Crew  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111

DEC 07 2001

TOWNSEND  
AND CROWTHER LLP

CONFIRMATION NO. 2917

371 FORMALITIES LETTER



\*OC000000007019473\*

Date Mailed: 11/28/2001

Response Due

12802 HWC

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,888	PCT/US00/06364	015280-377100US

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JUL - 8 2002

PCT INITIAL PROCESSING

09/936,888

625 Rec'd PCT/PT 05 JUL 2002

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JUL 05 2002

USPTO MAIL CENTER

Best Available Copy

Two Embarcadero Center  
8th Floor  
San Francisco  
California 94111-3834

TOWNSEND  
and  
TOWNSEND  
and  
CREW  
LLP

BOX PCT - MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

015280-  
377100US

## EXHIBIT E



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20230  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,888	Douglas Brenneman	015280-377100US

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/US00/06364

I.A. FILING DATE	PRIORITY DATE
03/10/2000	03/12/1999

Annette S. Parent  
 Townsend & Townsend & Crew  
 Two Embarcadero Center, 8th Floor  
 San Francisco, CA 94111

CONFIRMATION NO. 2917

371 FORMALITIES LETTER



\*OC000000008546064\*

Date Mailed: 08/02/2002

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - It's not sufficient to supply only the signature page of declaration

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,888	PCT/US00/06364	015280-377100US

FORM PCT/DO/EO/916 (371 Formalities Notice)



## EXHIBIT F

15 AUG 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Annette S. Parent  
Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111

In re Application of BRENNEMAN et al  
U.S. Application No.: 09/936,888  
Int. Application No.: PCT/US00/06364  
Int. Filing Date: 10 March 2000  
Priority Date: 12 March 1999  
Attorney Docket No.: 015280-377100US  
For PREVENTION OF FETAL ALCOHOL  
SYNDROME AND NEURONAL CELL  
DEATH WITH ADNF POLYPEPTIDES

COMMUNICATION

This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

**BACKGROUND**

On 10 March 2000, applicant filed international application PCT/US00/06364, which claimed priority of an earlier United States application filed 12 March 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 18 September 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 September 2001.

On 12 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and executed declarations.

On 28 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371, which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 05 July 2002, applicant filed newly executed declarations.

On 17 July 2002, this Office mailed a communication which stated that the declarations filed 12 September 2001 are improper.

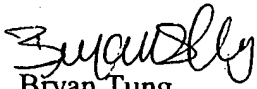
On 02 August 2002, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) which set a one month time limit for response.

### DISCUSSION

The declarations filed 12 September 2001 and 05 July 2002 are improper. Specifically, at least one of the declarations contains more than one "Page 3 of 3". It is not sufficient to supply only the signature page of a declaration. Applicant must furnish either: 1) a single complete declaration which is presented to and executed by all of the inventors or 2) multiple complete declarations, each of which is executed by at least one of the inventors.

### CONCLUSION

The application is being returned to the DO/EO/US to await a response to the Notification of Defective Response (Form PCT/DO/EO/916) mailed 02 August 2002.

  
Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459

## EXHIBIT G

**TO THE U.S. PATENT AND TRADEMARK OFFICE:**

Please stamp the date of receipt of the following documents(s), and return this card to us.

Title of Document(s): Trans. Form SB/21 (1 pg.); Response to Notification of Defective Response Under 35 U.S.C. 371 (2 pgs.); copy of Notification (2 pgs.); copy of Withdrawal of Previously Sent Notice (1 pg.); executed complete Dec. of Brennenman (3 pgs.); executed complete Dec. of Spong (3 pgs.); executed complete Dec. of Gozes and Bassan; and executed complete Dec. of Zamostiano (3 pgs.).

Date Due: Sept. 2, 2002

Appln. No.: 09/936,888

Date Mailed: August 26, 2002

File No.: 015280-377100US

**TO THE U.S. PATENT AND TRADEMARK OFFICE:**

Please stamp the date of receipt of the following documents(s), and return this card to us.

Title of Document(s): Trans. Form SB/21 (1 pg.); Response to Notification of Defective Response Under 35 U.S.C. 371 (2 pgs.); copy of Notification (2 pgs.); copy of Withdrawal of Previously Sent Notice (1 pg.); executed complete Dec. of Brennenman (3 pgs.); executed complete Dec. of Spong (3 pgs.); executed complete Dec. of Gozes and Bassan; and executed complete Dec. of Zamostiano (3 pgs.).

Date Due: Sept. 2, 2002

Appln. No.: 09/936,888

Date Mailed: August 26, 2002

File No.: 015280-377100US



DTO, rec'd PCT/PTO 0 3 SEP 2002

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PE JCT41  
SEP 03 2002  
PATENT & TRADEMARK OFFICE

Please type a plus sign (+) inside this box → ☒

#  
7

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/936,888	
	Filing Date	September 12, 2001	
	First Named Inventor	Brenneman, Douglas E.	
	Group Art Unit	Unassigned	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	18	Attorney Docket Number	015280-377100US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Postcard; Response to Notification of Defective Response Under 35 U.S.C. 371; multiple executed Declarations of inventors Brenneman, Spong, Gozes, Bassan and Zamostiano; copy of Notification.
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm and Individual name	Townsend and Townsend and Crew LLP Annette S. Parent	
Signature	Reg. No. 42,058	
Date	August 26, 2002	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:		
		August 26, 2002
Typed or printed name	Dana Kane	
Signature	Date August 26, 2002	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
SF 1379428 v1



I hereby certify that this response is being deposited via First Class Mail addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on August 26, 2002.

PATENT  
Attorney Docket No.: 015280-377100US  
Client Ref. No.: E-286-98/4

Townsend and Townsend and Crew LLP

By: \_\_\_\_\_

Dana Kane

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Douglas E. Brenneman et al.

Application No.: 09/936,888

Filed: September 12, 2001

For: PREVENTION OF FETAL  
ALCOHOL SYNDROME AND  
NEURONAL CELL DEATH WITH  
ADNF POLYPEPTIDES

Examiner: Unassigned

Art Unit: Unassigned

Confirmation No. 2917

RESPONSE TO NOTIFICATION OF  
DEFECTIVE RESPONSE UNDER 35  
U.S.C. 371

Customer Service Center  
Initial Patent Examination Division  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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**JUN 13 2007**

**OFFICE OF PETITIONS**

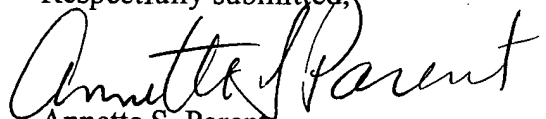
Sir:

In response to the Notification of Defective Response mailed August 2, 2002 and the Communications of July 17, 2002 and August 15, 2002, respectively, applicants herewith submit multiple complete executed Declarations of inventors Douglas E. Brenneman, Catherine Y. Spong, Illana Gozes, Merav Bassan and Rachel Zamostiano.

09/936,888  
Brenneman *et al.*  
Page 2

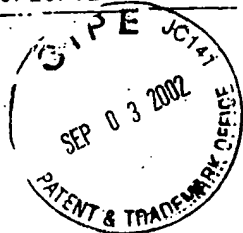
A copy of the Notification is attached hereto.

Respectfully submitted,

  
Annette S. Parent  
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: (415) 576-0300  
ASP:dk  
SF 1379420 v1





Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

*all 3  
Gover  
Zampieri*

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:


Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

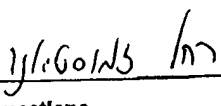
Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

Full Name of Inventor 1	Last Name <b>BRENNEMAN</b>	First Name <b>DOUGLAS</b>	Middle Name or Initial <b>E.</b>	
Residence & Citizenship	City <b>Damascus</b>	State/Foreign Country <b>Maryland</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>10601 Santa Anita Terrace</b>	City <b>Damascus</b>	State/Country <b>Maryland</b>	Zip Code <b>20872</b>
Full Name of Inventor 2	Last Name <b>SPONG</b>	First Name <b>CATHERINE</b>	Middle Name or Initial <b>Y.</b>	
Residence & Citizenship	City <b>Arlington</b>	State/Foreign Country <b>Virginia</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>3857 North Rixey Street</b>	City <b>Arlington</b>	State/Country <b>Virginia</b>	Zip Code <b>22207</b>
366 Full Name of Inventor 3	Last Name <b>GOZES</b>	First Name <b>ILLANA</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Ramat Hasharon</b>	State/Foreign Country <b>Israel</b> <i>ILX</i>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>14 Hamel Street</b>	City <b>Ramat Hasharon</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 4	Last Name <b>BASSAN</b>	First Name <b>MERAV</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>15A Ziporen Street</b>	City <b>Givat Poleg, Natania</b>	State/Country <b>Israel</b>	Zip Code
566 Full Name of Inventor 5	Last Name <b>ZAMOSTIANO</b>	First Name <b>RACHEL</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b> <i>ILX</i>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>17 Yeshuron Street</b>	City <b>Hod Hasharon</b>	State/Country <b>Israel</b>	Zip Code

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3 
Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5 
Merav Bassan Date	Rachel Zamostiano Date 9/2/01



09936888 099302  
 Attorney Docket No. 015280-3771001US  
 DHHS Ref No. E-286-98/4  
**RECEIVED**

## DECLARATION AND POWER OF ATTORNEY

JUN 13 2007

## OFFICE OF PETITIONS

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(c) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

7- Robert Benson, Reg. No. 33,612  
 Steven M. Ferguson, Reg. No. 38,448  
 James C. Haight, Reg. No. 25,588  
 John P. Kim, Reg. No. 38,514

Susan S. Rucker, Reg. No. 35,762  
 David R. Sadowski, Reg. No. 32,808  
 Jack Spiegler, Reg. No. 34,477

09936333 0993777  
 Attorney Docket No. 015280-377100US  
 DHHS Ref No. E-286-98/4

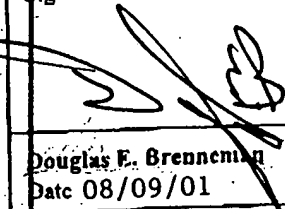
Send Correspondence to Appointed Associate Attorney or Agent Address:	Direct Telephone Calls and Facsimiles to Appointed Associate Attorney or Agent:
Annette S. Parent <b>TOWNSEND and TOWNSEND and CREW LLP</b> Two Embarcadero Center, 8th Floor San Francisco, CA 94111-3834	Name: Annette S. Parent Reg. No.: 42,058 Telephone: 415/576-0200 Fax: 415/576-0300

Full Name of Inventor 1	Last Name <b>BRENNEMAN</b>	First Name <b>DOUGLAS</b>	Middle Name or Initial <b>E.</b>	
Residence & Citizenship	City <b>Damascus</b>	State/Foreign Country <b>Maryland</b>	<b>MD</b> Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>10601 Santa Anita Terrace</b>	City <b>Damascus</b>	State/Country <b>Maryland</b>	Zip Code <b>20872</b>
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Residence & Citizenship	City <b>Ramat Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
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Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
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Full Name of Inventor 5	Last Name <b>ZAMOSTIANO</b>	First Name <b>RACHEL</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>17 Yeshurun Street</b>	City <b>Hod Hasharon</b>	State/Country <b>Israel</b>	Zip Code

09936888 .090302

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2		Signature of Inventor 3
Douglas E. Brennen Date 08/09/01	Catherine Y. Spong Date		Illana Gozes Date

Signature of Inventor 4	Signature of Inventor 5	
Merav Basson Date	Rachel Zamostiano Date	



09 76888 090302

 Attorney Docket No. 015280-377100US  
 DHHS Ref No. E-286-98/4

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06164, and which corresponding U.S. national phase application is filed herewith.

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## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119:
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(c) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612  
 Steven M. Ferguson, Reg. No. 38,448  
 James C. Haight, Reg. No. 25,588  
 John P. Kim, Reg. No. 38,514

Susan S. Rucker, Reg. No. 35,762  
 David R. Sadowski, Reg. No. 32,808  
 Jack Spiegel, Reg. No. 34,477

091 76888 090302

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

Send Correspondence to Appointed Associate Attorney or Agent  
Address:

Annette S. Parent  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834

Direct Telephone Calls and Facsimiles to Appointed Associate  
Attorney or Agent:

Name: Annette S. Parent  
Reg. No.: 42,058  
Telephone: 415/576-0200  
Fax: 415/576-0300

Full Name of Inventor 1	Last Name <b>BRENNEMAN</b>	First Name <b>DOUGLAS</b>	Middle Name or Initial E.	
Residence & Citizenship	City <b>Damascus</b>	State/Foreign Country <b>Maryland</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>10601 Santa Anita Terrace</b>	City <b>Damascus</b>	State/Country <b>Maryland</b>	Zip Code <b>20872</b>
Full Name of Inventor 2	Last Name <b>SPONG</b>	First Name <b>CATHERINE</b>	Middle Name or Initial Y.	
Residence & Citizenship	City <b>Arlington</b>	State/Foreign Country <b>Virginia</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>3857 North Rixey Street</b>	City <b>Arlington</b>	State/Country <b>Virginia</b>	Zip Code <b>22207</b>
Full Name of Inventor 3	Last Name <b>GOZES</b>	First Name <b>ILLANA</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Ramat Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>14 Hamel Street</b>	City <b>Ramat Hasharon</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 4	Last Name <b>BASSAN</b>	First Name <b>MERAV</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>15A Ziporen Street</b>	City <b>Givat Poleg, Natania</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 5	Last Name <b>ZAMOSTIANO</b>	First Name <b>RACHEL</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>17 Yeshurun Street</b>	City <b>Hod Hasharon</b>	State/Country <b>Israel</b>	Zip Code



Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brenneman Date	<i>Cyng</i> Catherine Y. Spung Date 09/11/01	Illana Gazes Date

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date



Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

*all 3  
Goff &  
Bassan*

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

Full Name of Inventor 1	Last Name <b>BRENNEMAN</b>	First Name <b>DOUGLAS</b>	Middle Name or Initial <b>E.</b>	
Residence & Citizenship	City <b>Damascus</b>	State/Foreign Country <b>Maryland</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>10601 Santa Anita Terrace</b>	City <b>Damascus</b>	State/Country <b>Maryland</b>	Zip Code <b>20872</b>
Full Name of Inventor 2	Last Name <b>SPONG</b>	First Name <b>CATHERINE</b>	Middle Name or Initial <b>Y.</b>	
Residence & Citizenship	City <b>Arlington</b>	State/Foreign Country <b>Virginia</b>	Country of Citizenship <b>United States</b>	
Post Office Address	Post Office Address <b>3857 North Rixey Street</b>	City <b>Arlington</b>	State/Country <b>Virginia</b>	Zip Code <b>22207</b>
Full Name of Inventor 3	Last Name <b>GOZES</b>	First Name <b>ILLANA</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Ramat Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
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Full Name of Inventor 4	Last Name <b>BASSAN</b>	First Name <b>MERAV</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b> <b>LX</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>15A Ziporen Street</b>	City <b>Givat Poleg, Natania</b>	State/Country <b>Israel</b>	Zip Code
Full Name of Inventor 5	Last Name <b>ZAMOSTIANO</b>	First Name <b>RACHEL</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Hod Hasharon</b>	State/Foreign Country <b>Israel</b>	Country of Citizenship <b>Israel</b>	
Post Office Address	Post Office Address <b>17 Yeshuron Street</b>	City <b>Hod Hasharon</b>	State/Country <b>Israel</b>	Zip Code

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date 08/28/01	Rachel Zamostiano Date

SF 1258047 v1



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box 801  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/936,888	FIRST NAMED APPLICANT Douglas Brenneman	ATTY. DOCKET NO. 015280-377100US
INTERNATIONAL APPLICATION NO. PCT/US00/06364		
I.A. FILING DATE 03/10/2000		PRIORITY DATE 03/12/1999

Annette S. Parent  
 Townsend & Townsend & Crew  
 Two Embarcadero Center, 8th Floor  
 San Francisco, CA 94111

CONFIRMATION NO. 2917

371 FORMALITIES LETTER



\*OC000000008546064\*

Date Mailed: 08/02/2002

*Response Due* 9/2/02 *53P*

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - It's not sufficient to supply only the signature page of declaration

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,888	PCT/US00/06364	015280-377100US

FORM PCT/DO/EO/916 (371 Formalities Notice)



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/936,888		Douglas Brenneman	015280-377100US

Annette S. Parent  
Townsend & Townsend & Crew  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111



CONFIRMATION NO. 2917

WITHDRAWAL OF ABANDONMENT  
NOTICE

\*OC000000008545575\*

Date Mailed: 08/02/2002

## WITHDRAWAL OF PREVIOUSLY SENT NOTICE

It has come to the attention of the Office that the Notice mailed on 06/10/2002 was sent in error. Please disregard that Notice. The application is complete and will be processed for examination. The Official Filing Receipt is enclosed. We apologize for any inconvenience this has caused.

---

*A copy of this notice **MUST** be returned with the reply.*

---

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

# EXHIBIT H





## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,888	Douglas E Brenneman	015280-377100US
INTERNATIONAL APPLICATION NO.		
PCT/US00/06364		
IA. FILING DATE	PRIORITY DATE	
03/10/2000	03/12/1999	

Annette S Parent  
Townsend & Townsend & Crew  
Two Embarcadero Center 8th Floor  
San Francisco, CA 94111-3834

CONFIRMATION NO. 2917

371 ACCEPTANCE LETTER



\*OC000000008836782\*

Date Mailed: 09/24/2002

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

09/03/2002  
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
(c)(4) REQUIREMENTS

09/03/2002  
DATE OF RECEIPT OF ALL 35 U.S.C.  
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

---

PAULETTE R KIDWELL

Telephone: (703) 305-3656

**PART 3 - OFFICE COPY**

FORM PCT/DO/EO/903 (371 Acceptance Notice)

# EXHIBIT I



015280-377100US ASP

Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/936,888	09/03/2002	1646	1054	015280-377100US	6	33	3

CONFIRMATION NO. 2917

Annette S Parent  
Townsend & Townsend & Crew  
Two Embarcadero Center 8th Floor  
San Francisco, CA 94111-3834

## FILING RECEIPT



\*OC000000008836781\*

Date Mailed: 09/24/2002

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Douglas E Brenneman, Damascus, MD;  
Catherine Y Spong, Arlington, VA;  
Illana Gozes, Ramat Hasharon, ISRAEL;  
Merav Bassan, Hod Hasharon, ISRAEL;  
Rachel Zamostiano, Hod Hasharon, ISRAEL;

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US00/06364 03/10/2000

## Foreign Applications

UNITED STATES OF AMERICA 267511 03/12/1999

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

## Title

Prevention of fetal alcohol syndrome and neuronal cell death with adnf polypeptides

RECEIVED  
OCT 1 11 11 AM '02  
COMMUNICATIONS SECTION

**Preliminary Class**

514

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119:
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(c) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

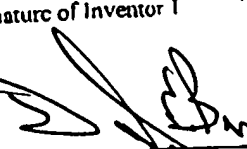
Robert Benson, Reg. No. 33,612  
 Steven M. Ferguson, Reg. No. 38,448  
 James C. Haight, Reg. No. 25,588  
 John P. Kim, Reg. No. 38,514

Susan S. Rucker, Reg. No. 35,762  
 David R. Sadowski, Reg. No. 32,808  
 Jack Spiegel, Reg. No. 34,477

Send Correspondence to Appointed Associate Attorney or Agent  
Address:Annette S. Parent  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834Direct Telephone Calls and Facsimiles to Appointed Associate  
Attorney or Agent:Name: Annette S. Parent  
Reg. No.: 42,058  
Telephone: 415/576-0200  
Fax: 415/576-0300

Full Name of Inventor 1	Last Name BRENNEMAN	First Name DOUGLAS	Middle Name or Initial E.	
Residence & Citizenship	City Damascus	State/Foreign Country Maryland	Country of Citizenship United States	
Post Office Address	Post Office Address 10601 Santa Anita Terrace	City Damascus	State/Country Maryland	Zip Code 20872
Full Name of Inventor 2	Last Name SPONG	First Name CATHERINE	Middle Name or Initial Y.	
Residence & Citizenship	City Arlington	State/Foreign Country Virginia	Country of Citizenship United States	
Post Office Address	Post Office Address 3857 North Rixey Street	City Arlington	State/Country Virginia	Zip Code 22207
Full Name of Inventor 3	Last Name GOZES	First Name ILLANA	Middle Name or Initial	
Residence & Citizenship	City Ramat Hasharon	State/Foreign Country Israel	Country of Citizenship Israel	
Post Office Address	Post Office Address 14 Hamel Street	City Ramat Hasharon	State/Country Israel	Zip Code
Full Name of Inventor 4	Last Name BASSAN	First Name MERAV	Middle Name or Initial	
Residence & Citizenship	City Hod Hasharon	State/Foreign Country Israel	Country of Citizenship Israel	
Post Office Address	Post Office Address 15A Ziboren Street	City Givat Poleg, Natania	State/Country Israel	Zip Code
Full Name of Inventor 5	Last Name ZAMOSTIANO	First Name RACHEL	Middle Name or Initial	
Residence & Citizenship	City Hod Hasharon	State/Foreign Country Israel	Country of Citizenship Israel	
Post Office Address	Post Office Address 17 Yeshurun Street	City Hod Hasharon	State/Country Israel	Zip Code

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brennen Date 08/09/01	Catherine Y. Spong Date	Ilana Gozes Date

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date

SF 1251798 v1



Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

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#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

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Application No.	Date of Filing	Status
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		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

Attorney Docket No. 015280-377100US  
DHHS RefNo. E-286-98/4

Full Name of Inventor 1	Last Name BRENNEMAN	First Name DOUGLAS	Middle Name or Initial E.	
Residence & Citizenship	City Damascus	State/Foreign Country Maryland	Country of Citizenship United States	
Post Office Address	Post Office Address 10601 Santa Anita Terrace	City Damascus	State/Country Maryland	Zip Code 20872
Full Name of Inventor 2	Last Name SPONG	First Name CATHERINE	Middle Name or Initial Y.	
Residence & Citizenship	City Arlington	State/Foreign Country Virginia	Country of Citizenship United States	
Post Office Address	Post Office Address 3857 North Rixey Street	City Arlington	State/Country Virginia	Zip Code 22207
Full Name of Inventor 3	Last Name GOZES	First Name ILLANA	Middle Name or Initial	
Residence & Citizenship	City Ramat Hasharon	State/Foreign Country Israel	Country of Citizenship Israel	
Post Office Address	Post Office Address 14 Hamel Street	City Ramat Hasharon	State/Country Israel	Zip Code
Full Name of Inventor 4	Last Name BASSAN	First Name MERAV	Middle Name or Initial	
Residence & Citizenship	City Hod Hasharon	State/Foreign Country Israel	Country of Citizenship Israel	
Post Office Address	Post Office Address 15A Ziporen Street	City Givat Poleg, Natania	State/Country Israel	Zip Code
Full Name of Inventor 5	Last Name ZAMOSTIANO	First Name RACHEL	Middle Name or Initial	
Residence & Citizenship	City Hod Hasharon	State/Foreign Country Israel	Country of Citizenship Israel	
Post Office Address	Post Office Address 17 Yeshuron Street	City Hod Hasharon	State/Country Israel	Zip Code

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Brenneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date 9/2/01

SF 1258047 v1

Attorney Docket No. 015280-377100US  
DHHS Ref No. E-286-98/4

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

Attorney Docket No. 015280-377100US  
DHHS RefNo. E-286-98/4

Full Name of Inventor 1	Last Name BRENNEMAN	First Name DOUGLAS	Middle Name or Initial E.	
Residence & Citizenship	City Damascus	State/Foreign Country Maryland	Country of Citizenship United States	
Post Office Address	Post Office Address 10601 Santa Anita Terrace	City Damascus	State/Country Maryland	Zip Code 20872
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Residence & Citizenship	City Arlington	State/Foreign Country Virginia	Country of Citizenship United States	
Post Office Address	Post Office Address 3857 North Rixey Street	City Arlington	State/Country Virginia	Zip Code 22207
Full Name of Inventor 3	Last Name GOZES	First Name ILLANA	Middle Name or Initial	
Residence & Citizenship	City Ramat Hasharon	State/Foreign Country Israel	Country of Citizenship Israel	
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Post Office Address	Post Office Address 15A Ziporen Street	City Givat Poleg, Natania	State/Country Israel	Zip Code
Full Name of Inventor 5	Last Name ZAMOSTIANO	First Name RACHEL	Middle Name or Initial	
Residence & Citizenship	City Hod Hasharon	State/Foreign Country Israel	Country of Citizenship Israel	
Post Office Address	Post Office Address 17 Yeshuron Street	City Hod Hasharon	State/Country Israel	Zip Code

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Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Breanneman Date	Catherine Y. Spong Date	Illana Gozes Date 8/23/01

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date 08/28/01	Rachel Zamostiano Date

SF 1258047 v1

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PREVENTION OF FETAL ALCOHOL SYNDROME AND NEURONAL CELL DEATH WITH ADNF POLYPEPTIDES, the specification of which was filed in the PCT on 10 March 2000 as PCT International Application No. PCT/US00/06364, and which corresponding U.S. national phase application is filed herewith.

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## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119:
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(c) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/267,511	12 March 1999	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612  
Steven M. Ferguson, Reg. No. 38,448  
James C. Haight, Reg. No. 25,588  
John P. Kim, Reg. No. 38,514

Susan S. Rucker, Reg. No. 35,762  
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Attorney or Agent:Name: Annette S. Parent  
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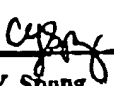
Full Name of Inventor 1	Last Name BRENNEMAN	First Name DOUGLAS	Middle Name or Initial E.	
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Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Douglas E. Breaneman Date	 Catherine Y. Spung Date 09/11/01	Illana Gazes Date

Signature of Inventor 4	Signature of Inventor 5
Merav Bassan Date	Rachel Zamostiano Date

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